

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:11-CR-70-D

UNITED STATES OF AMERICA            )  
  )  
                          v.                    )  
  )  
RUSSELL JONATHAN CARROLL,         )  
  )  
                          Defendant.        )

**ORDER**

On August 1, 2011, Russell Jonathan Carroll (“Carroll”) pleaded guilty, without a written plea agreement, to two counts of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924 (counts one and two) [D.E. 16]. On December 13, 2011, the court sentenced Carroll 120 months’ imprisonment on both counts, consecutive to the extent necessary to yield a total sentence of 180 months [D.E. 29]. Carroll did not appeal his judgment.

On May 31, 2016, Carroll filed a motion to reduce his sentence, arguing that his sentence is beyond the 10-year statutory maximum applicable to each count and therefore illegal [D.E. 36] 1. See 18 U.S.C. § 3582(c). On August 15, 2017, the government responded in opposition [D.E. 44].

Carroll’s convictions under section 922(g)(1) are subject to a 10-year statutory maximum per count. See 18 U.S.C. § 924(a)(2). The court sentenced Carroll to the statutory maximum on both counts, consecutive to the extent necessary to reach 180 months. See [D.E. 29]. Accordingly, the court did not sentence Carroll to a sentence in excess of the 10-year statutory maximum on either count. Thus, the motion fails.

In sum, Carroll's motion for a sentence reduction [D.E. 36] is DENIED.

SO ORDERED. This 25 day of January 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge